

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 04-07-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-5
ITEM DESCRIPTION: Annexation Petition #03-07 by Merl Groteboer to annex approximately 59.99 acres of land located along the north side of 40 th Street SW and along the west side of 18 th Avenue SW. The property is located in a part of the South ½ of the SW ¼ of Section 22 of Rochester Township.		PREPARED BY: Theresa Fogarty, Planner

April 1, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission reviewed this annexation request on March 12, 2003. The Commission found that this property is adjacent to the City limits and can be served by city services upon extension of the water line from the Hart Farm Subdivision to the north and to the east along the east side of 18th Avenue SW. The Planning Commission therefore recommends approval of this request.

Mr. Hauessinger moved to recommend approval of Annexation Petition #03-07 by Merl Groteboer as recommended by staff. Mr. Quinn seconded the motion. The motion carried 7-1, with Mr. Staver voting nay.

Planning Department Recommendation:

See attached staff report, dated March 6, 2003.

Minnesota Statutes now specify that the property taxes payable in the year an annexation is effective shall be paid to the Township. For the five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The Township Taxes on this property for 2002 is \$126.54.

Council Action Needed:

1. Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning. The Annexation should specify that a portion of the property is to be zoned consistent with a decision on Zoning District Amendment #03-08.

Attachments

1. Staff report, dated March 6, 2003.
2. Copy of the minutes of the March 12, 2003, CPZC meeting

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, April 7, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. McGhie & Betts, Inc.

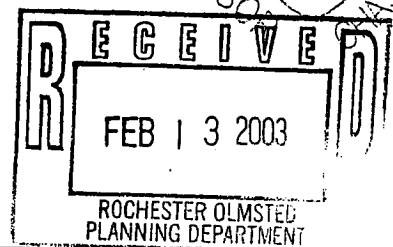
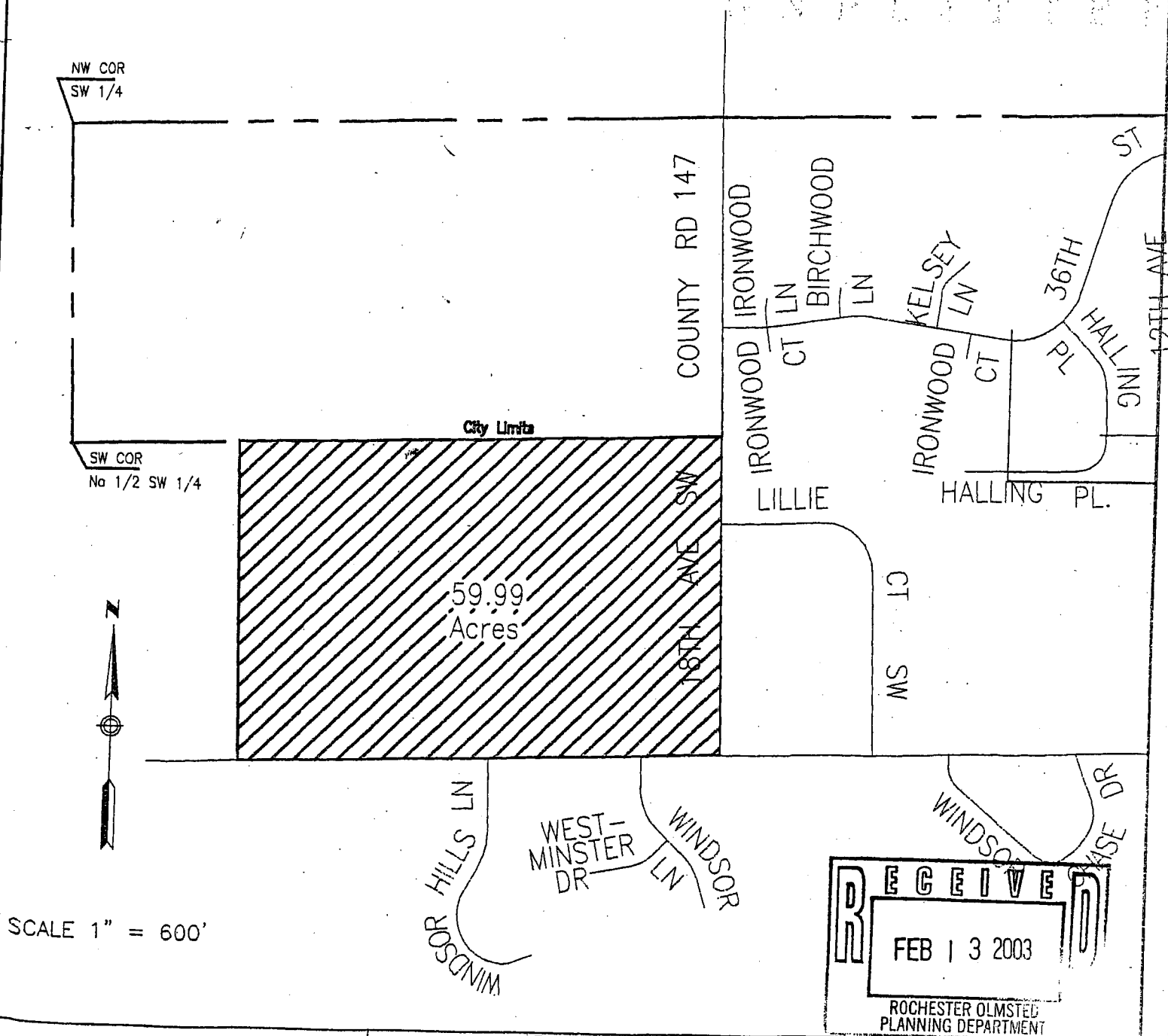
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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ANNEXATION EXHIBIT

DESCRIPTION:

THE EAST 1983.34 FEET OF THE SOUTH
HALF OF THE SOUTHWEST QUARTER
OF SECTION 22, TOWNSHIP 106 NORTH,
RANGE 14 WEST, OLMSTED CO., MN.



FOR:
Arcon Development
7625 Metro Blvd.
Suite # 350
Edina, MN 55439

McGhie
Consulting Engineers



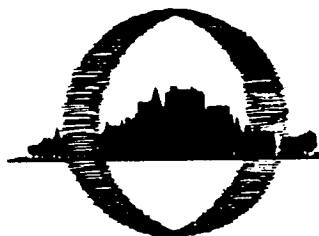
Betts, Inc.
Land Surveyors

SCALE: 1" = 600'

DRAWN BY: KLC

DATE: 1/20/03

ACCT. NO.: 1204/3058

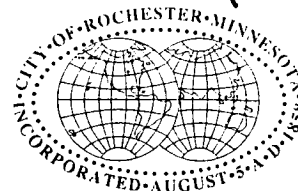


ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted



TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: March 6, 2003

RE: Annexation Petition #03-07 by Merl Groteboer to annex approximately 59.99 acres of land located along the north side of 40th Street SW and along the west side of 18th Avenue SW. The property is located in a part of the South ½ of the SW ¼ of Section 22 of Rochester Township.

Planning Department Review:

Applicants/Owners:

Arcon Development, Inc.
7625 Metro Boulevard
Edina, MN 55439

Merl Groteboer
140 Elton Hills Drive NW
Rochester, MN 55901

Consultant / Engineer:

McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Location of Property:

The property is located along the north side of 40th Street SW and along the west side of 18th Avenue SW.

Existing Land Use:

This property is currently undeveloped land.

Size:

The property proposed for annexation is approximately 59.99 acres of unplatted land.

Existing Zoning:

The property is zoned A-2 (Agricultural Protection) District on the Olmsted County zoning map.

Future Zoning:

Upon annexation, the property will be zoned R-1 (Mixed Single Family Residential) district on the Rochester zoning map. A General Development Plan and Zoning District Amendment request will be considered concurrently with this annexation petition. The applicant has petitioned to amend the zoning district on 18.62 acres of this property to R-2 (Low Density Residential) and 6.73 acres of this property to B-5 (Residential Commercial).



Land Use Plan:

The property is designated for "low density residential" uses on the Rochester Urban Service Area Land Use Plan.

Adjacency to the Municipal Limits:

The property is adjacent to the city limits at its north boundary.

Sewer & Water:

This area is within the South West High Level Water System Area, which is currently available to the north from the Hart Farm Subdivision and to the east along the east side of 18th Avenue SW.

Gravity sanitary sewer is not currently available to serve the entire property.

Utilities:

Pursuant to Minnesota Statutes 414.033 (subd. 13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

Townboard Review:

Minnesota State Statutes require that the Townboard members receive a written notice, by certified mail, 30 days prior to the public hearing. The City Council will hold a public hearing on this item on Monday, April 7, 2003. The City Clerk has sent the certified 30 day notice.

Referral Comments:

1. Rochester Public Utilities - Water Division
2. Rochester Public Works
3. MN Department of Transportation
4. Rochester Fire Department

Report Attachments:

1. Annexation Map / Location Map
2. Referral Comments (4 letters)

Staff Recommendation:

This property is adjacent to the City limits and can be served by city services upon extension of the water lines from the Hart Farm Subdivision to the north and to the east along the east side of 18th Avenue SW. A portion of the property may be served with gravity sanitary sewer. The Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).

The City Planning and Zoning Commission recommendation shall include a portion this property (18.62 acres) to be zoned R-2 (Low Density Residential) and (6.73 acres) to be zoned B-5 (Residential Commercial), as requested in Zone Change Petition #03-08, upon annexation.



we pledge, we deliver

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February 20, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Annexation Petition #03-07 by Merl Groteboer to annex 59.66 acres of land located along the north side of 40th St. SW and west of 18th Ave SW.

Dear Ms. Garness:

Our review of the referenced petition is complete and our comments follow:

1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
2. This area is within the South West High Level Water System Area, which is currently available to the north from the Hart Farm Subdivision and to the east along the east side of 18th Ave SW.
3. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Arcon Development, Inc.
Merl Groteboer
McGhie & Betts, Inc.

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

Date: 2/25/03

The Department of Public Works has reviewed the requested application for Annexation #03-07 on the Groteboer Property (p/o proposed Hart Farm South). The following are Public Works comments on the proposal:

1. Gravity Sanitary Sewer is not currently available to serve the entire property.

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Ms. Petersson moved to recommend approval of Annexation Petition #03-06 by Charlyne Burks as recommended by staff. Mr. Haeussinger seconded the motion.

Mr. Staver discussed whether or not annexations shouldn't receive more scrutiny from the Planning Commission. He discussed whether or not they should be approved if police and fire cannot serve the areas in question.

The motion carried 7-1, with Mr. Staver voting nay.

* **Annexation Petition #03-07 by Merl Groteboer to annex approximately 59.99 acres of land located along the north side of 40th Street SW and along the west side of 18th Avenue SW. The property is located in a part of the South ½ of the SW ¼ of Section 22 of Rochester Township.**

Mr. Staver stated that he would not vote in favor of the annexation, since he believes they need to support efforts to manage growth. He indicated that he was not discussing a moratorium.

Ms. Wiesner asked if the process of annexation or general development plan concerned Mr. Staver.

Mr. Staver responded that the annexation was the first step in terms of infrastructure.

Mr. Haeussinger stated that the capacity of fire protection and police staffing needed to be taken into consideration with regard to growth as well as city services.

Mr. Haeussinger moved to recommend approval of Annexation Petition #03-07 by Merl Groteboer as recommended by staff. Mr. Quinn seconded the motion. The motion carried 7-1, with Mr. Staver voting nay.

PUBLIC HEARINGS:

Zoning District Amendment #03-08 by Arcon Development Inc. to zone approximately 18.62 acres R-2 (Low Density Residential) and 6.73 acres B-5 (Residential Commercial) upon annexation to the City of Rochester. An Annexation petition and General Development Plan are being considered concurrent with this petition.

AND

General Development Plan #205 by Arcon Development, Inc. to be known as Hart Farms South. The Applicant is proposing to develop approximately 80 acres of land located along the north side of 40th Street SW and along the west side of 18th Avenue SW with single family homes, townhomes and neighborhood commercial uses. The property is proposed to be served by public roads. An Annexation petition for the entire property, and a Zoning District Amendment for a portion of this property are being considered concurrent with this petition.

Ms. Mitzi A. Baker presented the staff reports, dated March 6, 2003 and March 7, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

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